Rethinking Integrated Assessment Policy for Drug Offenders Through Justice

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ABSTRACT

The handling of narcotics abuse in Indonesia continues to face challenges concerning legal uncertainty and disparities in sentencing due to the suboptimal implementation of integrated assessments as a basis for determining eligibility for rehabilitation. This study aims, *first*, to analyze the normative framework governing integrated assessment policies in Indonesia; *second*, to compare these policies with those implemented in Japan and the United States; and *third*, to formulate a justice-based assessment policy model. This study employs normative legal research using statutory, comparative, and conceptual approaches. Primary, secondary, and tertiary legal materials were collected through library research and analyzed qualitatively using descriptive-prescriptive methods. The findings indicate that, *first*, the regulation of integrated assessments in Indonesia remains fragmented across various legal instruments and has not established integrated assessment as an explicit statutory obligation. Reliance on requests from investigators, limited-service availability, and a law enforcement culture oriented toward incarceration contribute to unequal access to rehabilitation. *Second*, comparisons with Japan and the United States highlight the importance of ensuring medical examinations, early identification, and continuous monitoring. *Third*, this study proposes regulating integrated assessment as both a procedural right of suspects and an obligation of law enforcement officials from the earliest stage of an investigation, with assessment results serving as a primary consideration in determining case disposition. This model should be supported by state funding, equitable access to rehabilitation services, objection mechanisms, and oversight to ensure legal certainty and proportional justice.

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Introduction

Narcotics abuse is the act of excessively and continuously consuming narcotics for pleasure and self-reward, rather than for medical purposes. Loneliness, mental health disorders, peer pressure, financial problems, childhood trauma, and domestic violence are among the factors contributing to narcotics abuse.[1] Long-

[1] Nor Alia Aqilah Mohd Nawawi and others, 'Drug Addictions in Malaysia: A Mini-Review on Drug Types, Rehabilitation Centers and Therapeutic Programs', *Journal of Ethnicity in Substance Abuse*, 25.1 (2026), 52–64 https://doi.org/10.1080/15332640.2024.2336495

term narcotics abuse can cause alterations in brain structure and function, while also negatively impacting an individual's physical and psychological health. In addition to the consequences suffered by the users, narcotics abusers potentially affect public safety and order. According to the 2021 World Drug Report published by the United Nations Office on Drugs and Crime (UNODC), the number of drug users worldwide was estimated to reach 275 million in 2020, an increase of 22% compared to 2010. UNODC also projected that the global number of drug users could increase by 11% by 2030.[2] Narcotics abuse has become a global problem affecting many countries. For instance, various incidents related to narcotics abuse in the United States have led to an increase in aggressive violence and crime rates, such as robbery and motor vehicle theft. Furthermore, Colombia has reported a significant increase of approximately 30% in drug overdose deaths over the last five years.[3]

Narcotics crimes also remain a frequent issue in Indonesia. Despite various strategies employed by the Indonesian government to eradicate narcotics crimes, it continues to be a major unresolved challenge.[4] Based on the 2025 National Prevalence Survey data, the rate of drug abuse is recorded at 2.11 percent, or approximately 4.15 million people aged 15 to 64 years. This figure marks an increase from 1.73 percent in 2023. This massive number indicates that handling narcotics issues is not merely about making arrests and imposing criminal sentences. The increase highlights that managing narcotics problems requires an approach that is not solely oriented toward apprehension and sentencing, but also considers the characteristics of the offenders and their treatment needs.[5] In this context, it is essential to distinguish between narcotics abusers who use the substance for personal consumption and dealers who are involved in illicit trafficking for profit. This distinction serves as the foundation for determining a proportional legal response, particularly regarding the application of criminal sanctions versus alternative sanctions.[6]

Narcotics abuse accompanied by dependency is a complex issue because the addictive nature of these substances can trigger an urge to relapse after an

[2] Liang-yuan Song and others, 'Effectiveness of Short-Term Exercise on Drug Rehabilitation Effect for Drug Abusers: A Systematic Review and Meta-Analysis', *International Journal of Sport and Exercise Psychology*, 22.9 (2024), 2111–36 https://doi.org/10.1080/1612197X.2023.2264298

[3] Engku Mohammad Fadhli Engku Fauzi, Mohd Khairi Ismail and Siti Nur Ayuni Rosli, 'Factors Affecting The Tendency of Drug Addiction among Malay Ethnic Compared to Chinese Ethnic', *International Journal of Academic Research in Business and Social Sciences*, 13.6 (2023) https://doi.org/10.6007/IJARBSS/v13-i6/17209

[4] Muhammad Ihsan, Maroni Maroni and Ruben Achmad, 'Restorative Justice for Users of Narcotics Through Implementation of Depenalization', *Fiat Justisia: Jurnal Ilmu Hukum*, 16.2 (2022), 141–52 https://doi.org/10.25041/fiatjustisia.v16no2.2649

[5] Andri Winjaya Laksana and others, 'The Disparities in Punishment for Narcotic Addiction: Does It Reflect the Value of Justice?', *Jurnal Media Hukum*, 32.1 (2025), 134–50 https://doi.org/10.18196/jmh.v32i1.25678

[6] Jonathan P. Caulkins and Peter Reuter, 'How Much Demand for Money Laundering Services Does Drug Selling Create? Identifying the Key Parameters', *International Journal of Drug Policy*, 103 (2022), 103652 https://doi.org/10.1016/j.drugpo.2022.103652

individual undergoes a recovery period.[7] This condition is associated with the risk of relapse; therefore, the treatment of dependent abusers cannot rely solely on punishment.[8] A recovery-oriented approach through medical and social rehabilitation is required, without disregarding legal accountability in accordance with the characteristics of the offense.[9] In addition to health considerations, the need to evaluate sentencing policies is also linked to the high burden on the correctional system and the massive resources allocated to narcotics law enforcement.[10] Data from the Directorate General of Corrections as of September 19, 2022, demonstrated that the number of inmates reached 276,172, while the available housing capacity was only 132,107. This condition reflects significant overcrowding. Out of this number, 139,839 were inmates in narcotics cases, including 125,288 individuals categorized as narcotics abusers. These data illustrate the importance of evaluating the proportion of imprisonment used in handling narcotics cases, especially for abusers who require recovery interventions.[11]

Normatively, the placement of addicts and victims of narcotics abuse into rehabilitation institutions aligns with the objectives of the Narcotics Law as stated in Article 4 letter d. Article 127, in conjunction with Articles 54, 55, and 103, as well as the Supreme Court Circular (SEMA) No. 4 of 2010 concerning the Placement of Abusers, Victims of Abuse, and Narcotics Addicts into Medical and Social Rehabilitation Institutions (SEMA on Narcotics),[12] serves as the legal foundation for placing addicts and victims of narcotics abuse into rehabilitation centers. Furthermore, Article 103 paragraph (1) even grants judges the authority to order or stipulate rehabilitation measures for narcotics addicts in accordance with applicable regulations.[13] Subsequently, determining the status of narcotics abusers within the legal process to undergo rehabilitation efforts is established by undergoing an integrated assessment aimed at defining the status of the narcotics offender. In the legal process, this integrated assessment has specific requirements

[7] Iasmina-Alexandra Predescu and others, 'Unveiling the Complexities of Medications, Substance Abuse, and Plants for Recreational and Narcotic Purposes: An In-Depth Analysis', *Pharmacy*, 13.1 (2025), 7 https://doi.org/10.3390/pharmacy13010007

[8] Marzieh Araban and others, 'An Exploration into the Factors Contributing to Addiction Relapse: A Qualitative Study', *Heliyon*, 12.1 (2026), e44266 https://doi.org/10.1016/j.heliyon.2025.e44266

[9] Minna Anttila and others, 'Recovery-oriented Mental Health Principles in Psychiatric Hospitals: How Service Users, Family Members and Staff Perceive the Realization of Practices', *Journal of Advanced Nursing*, 79.7 (2023), 2732–43 https://doi.org/10.1111/jan.15506

[10] Quinette A. Louw and others, 'Rehabilitation Capacity in South Africa—A Situational Analysis', *International Journal of Environmental Research and Public Health*, 20.4 (2023), 3579 https://doi.org/10.3390/ijerph20043579

[11] Anh Dam Tran, Don Weatherburn and Suzanne Poynton, 'The Savings Associated with Decriminalization of Drug Use in New South Wales, Australia: A Comparison of Four Drug Policies', *Journal of Substance Use and Addiction Treatment*, 149 (2023), 208983 https://doi.org/10.1016/j.josat.2023.208983

[12] Anis Mashdurohatun, Eid Abed Alhaleem Maslat Harahsheh, and others, 'Contemporary Reassessment of Punishment in Islamic Sharia and Secular Law: A Comparative Study of Justice and Penal Philosophy', *MILRev: Metro Islamic Law Review*, 5.1 (2026), 80–100 https://doi.org/10.32332/milrev.v5i1.11887

[13] Gideon Lasco, 'Kalaban: Young Drug Users' Engagements with Law Enforcement in the Philippines', *International Journal of Drug Policy*, 52 (2018), 39–44 https://doi.org/https://doi.org/https://doi.org/10.1016/j.drugpo.2017.11.006

for victims of narcotics abuse. The assessment procedure for narcotics abusers is conducted by the Integrated Assessment Team (Tim Asesmen Terpadu/TAT), which consists of (1) a Medical Team comprising doctors and psychologists, and (2) a Legal Team comprising elements from the National Police, the National Narcotics Agency, the Prosecutor's Office, and the Ministry of Law and Human Rights.[14] Through this process, the legal team is authorized to analyze the offender's role as an abuser, addict, and/or dealer. The analysis within the integrated narcotics assessment mechanism is paramount in determining whether the offender is a narcotics addict, a victim of narcotics abuse, or a dealer.[15]

Although it has been normatively regulated as such, not all narcotics abusers undergo the integrated assessment. Data from the National Narcotics Agency in 2024 indicated that the number of narcotics abusers in Indonesia is estimated to reach 3.3 million people, or about 1.73 percent of the population aged 15-64 years. From January to October 2024, only 8,677 suspects in narcotics cases underwent examination by the Integrated Assessment Team, while 5,596 individuals, or approximately 64.5 percent of that number, received a recommendation for rehabilitation. On the other hand, data from the Directorate General of Corrections in 2024 recorded 78,154 inmates classified as drug lords or dealers, while 62,593 inmates were classified as narcotics users. This total reached 140,747 narcotics inmates, or about 51.3 percent of the 274,176 prison and detention center population as of December 23, 2024. These data demonstrate that access to assessment and rehabilitation for narcotics abusers remains limited, while imprisonment is still widely used in handling narcotics abusers. In fact, under the prevailing laws and regulations, abusers are already categorized as victims.[16]

The limited availability of assessments from the initial stages means that narcotics abusers are not always comprehensively profiled in case files. Without medical examinations, it is difficult for law enforcement officials to distinguish between dependent abusers, victims of abuse, and individuals involved in narcotics trafficking. This situation affects the trial process because judges can only consider the evidence presented in court. Requests for rehabilitation that are not accompanied by assessment results or evidence of dependency may result in imprisonment, as seen in a number of court decisions. For instance, in Decision Number 195/Pid.Sus/2026/PN Tjk dated April 13, 2026, the judge imposed a prison sentence of 6 (six) months and a fine of Rp200,000,000 (two hundred million

[14] Maria Regina Hechanova, Trixia Anne C. Co and Fessa R. Egusquiza, 'Outcomes of Bio-Psycho-Social-Spiritual Community-Based Drug Rehabilitation Program for Voluntary vs. Court-Mandated Clients in the Philippines', *Journal of Ethnicity in Substance Abuse*, 25.3 (2026), 1093–1108 https://doi.org/10.1080/15332640.2025.2450454

[15] Syeda Alishwa Zanib and others, 'A Mathematical Approach of Drug Addiction and Rehabilitation Control Dynamic', *Modeling Earth Systems and Environment*, 10.2 (2024), 2995–3002 https://doi.org/10.1007/s40808-023-01931-y

[16] Lisa Analisa, Kamarusdiana Kamarusdiana and Nurul Adhha, 'Implementation of Rehabilitation for Narcotics Addicts in Positive Legal Perspective and Islamic Law', *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 22.1 (2022), 92–124 https://doi.org/10.30631/alrisalah.v22i1.1122

rupiah), to be paid within 1 (one) month and extendable for a maximum of 1 (one) month after the decision becomes legally binding. However, the trial facts in that case revealed that the defendant was a drug abuser, not a dealer. The panel of judges did not grant the rehabilitation request because it was not supported by adequate evidence, and subsequently imposed a prison sentence. Conversely, the Balikpapan District Court Decision Number 838/Pid.Sus/2025/PN Bpp presents a different handling outcome. The court found the defendant guilty of abusing Schedule I narcotics for personal use and ordered medical rehabilitation for six months at the BNN Rehabilitation Center. The disparity between these two decisions indicates that the availability of assessment results and medical evidence significantly influences the judge's consideration in determining whether a narcotics abuser is sentenced to prison or undergoes rehabilitation.[17]

Currently, not all narcotics abusers undergo the integrated assessment process before their cases proceed to the prosecution and trial stages. The implementation of the assessment still depends on the investigator's request to the Integrated Assessment Team.[18] Abusers who are not submitted for an assessment are solely evaluated based on physical evidence, urine test results, witness testimonies, and the circumstances of their arrest. This method has not been able to explain the level of dependency and the recovery needs of the abuser. Discrepancies in requesting assessments cause individuals with almost identical conditions to receive different treatments.[19] The current integrated assessment policy does not support equal access for all narcotics abusers. Its regulations are still scattered across various rules, and these rules have not established the assessment as a mandatory examination for every individual suspected of being a narcotics abuser. The absence of an obligation to request an assessment causes the implementation of assessments to vary between regions. Justice for narcotics abusers must be realized through treatment that corresponds to their level of dependency. Abusers who consume narcotics for their own use cannot be equated with dealers or kingpins who profit from narcotics distribution.[20]

Unlike the policy in Japan, Japan implements a narcotics policy with strict control characteristics by regulating the use, possession, distribution, and production of substances based on their types. One relevant legal instrument is the Narcotics and Psychotropics Control Act, which regulates the control of narcotics

[17] Dimas Didi Darmawan, 'Judges' Considerations in Determining the Sentences for Narcotics Abuse Category I', *Ius Poenale*, 4.1 (2023), 43–54 https://doi.org/10.25041/ip.v4i1.2900

[18] Debajit Datta and others, 'Integrated Assessment of Ecological Sustainability of Urban and Peri-Urban Agricultural Practices in Kolkata Metropolitan Area, India Using Analytic Hierarchy Process', *Journal of Environmental Studies and Sciences*, 16.2 (2026), 365–88 https://doi.org/10.1007/s13412-025-01044-1

[19] Teresa C. Silva, 'Assessment of Credibility of Testimony in Alleged Intimate Partner Violence: A Case Report', *Journal of Forensic Psychology Research and Practice*, 22.1 (2022), 58–86 https://doi.org/10.1080/24732850.2021.1945836

[20] Aberto Sandri and others, 'Beyond the Excited Delirium Controversy: Two Forensic Cases and Contemporary Literature Review', *Legal Medicine*, 87 (2026), 103022 https://doi.org/10.1016/j.legalmed.2026.103022

and psychotropics as well as the medical treatment aspects for individuals experiencing dependency. Narcotics management in Japan is closely related to control mechanisms and approaches to dependency treatment. Japan's experience is relevant in this research as it demonstrates how strict legal control can coexist with attention to the treatment needs of dependent individuals.[21] Meanwhile, the United States has developed the drug court model, which integrates the judicial process with narcotics dependency treatment interventions. Through this model, individuals meeting certain criteria can access treatment and rehabilitation programs within a judicial supervision framework. This approach shows that the response to criminal offenses related to narcotics abuse does not have to be limited to imprisonment, but can consider recovery needs based on the assessment results of the individual's condition. In the context of reforming narcotics law in Indonesia, the experiences of Japan and the United States can serve as comparative materials to examine the role of assessment in identifying abusers who require rehabilitation and formulating more proportional handling mechanisms.[22]

Several scholars have conducted research on narcotics policies. For instance, a study by Rose Lunde (2025) showed that recovery units, namely rehabilitation units for drug abusers, provide a greater sense of security compared to prisons.[23] Research by Syaiful Kurniawan et al. (2026) demonstrated that a restorative justice approach offers a more humane resolution by emphasizing recovery, social reintegration, and reducing the negative impacts of imprisonment.[24] A study by Andri Winjaya Laksana et al. (2025) highlighted that the absence of technical guidelines distinguishing narcotics users from dealers significantly contributes to unequal sentencing. Consequently, addicts with minimal evidence can face charges under severe articles, leading to legal uncertainty, injustice, and diminished public trust in the criminal justice system.[25] Research by Srisombat Chokprajakchat et al. (2022) indicated that criminalizing drug use through a socio-economic perspective can hinder the goals of rehabilitation.[26] Furthermore, a study by Ximene Rego et al. (2021) revealed that Portugal's drug policy has not proven sufficiently influential in freeing drug use from the stigma associating it with crime or pathology, and the

[21] David Brewster and Sho Sagara, 'Continuity and Change in Drug Treatment: Regimes of Control in Japan', *International Journal of Drug Policy*, 116 (2023), 104029 https://doi.org/10.1016/j.drugpo.2023.104029
[22] Ana N. López and others, 'Oral Health Inequities: Recommended Public Policies to Achieve Health Equity', *Journal of Dental Education*, 86.9 (2022), 1242–48 https://doi.org/10.1002/jdd.13071
[23] Rose Lunde, 'Prisonlike or Prison-Lite? Drug Recovery Units and Penal Hybridity in Norway', *Incarceration: An International Journal of Imprisonment, Detention and Coercive Confinement*, 6 (2025) https://doi.org/10.1177/26326663251334714
[24] Syaiful Kurniawan, Abu Nawas and Muh Nasir, 'A Juridical Analysis of Rehabilitation Policy as an Alternative to Criminal Punishment for Narcotics Abusers from a Restorative Justice Perspective', *Buletin Adalah*, 10.1 (2026) https://doi.org/https://doi.org/10.15408/adalah.v10i1.50861
[25] Andri Winjaya Laksana and others, 'Criticism of Legal Protection for Victims of Drug Abuse: The Disharmony in Legal Substance Regulation', *Legality : Jurnal Ilmiah Hukum*, 33.1 (2025), 93–109 https://doi.org/10.22219/ljih.v33i1.36680
[26] Srisombat Chokprajakchat and others, 'When Criminal Diversion Is a Temporary Solution: Rethinking Drug Rehabilitation Policy in Thailand', *Current Issues in Criminal Justice*, 34.4 (2022), 418–34 https://doi.org/10.1080/10345329.2022.2133379

past decade has witnessed an increase in punitive measures directed at drug users, including criminal imprisonment.[27]

Based on previous studies, there remains a gap regarding the formulation of the integrated assessment policy as a mandatory examination from the initial stage of investigation for anyone suspected of being a narcotics abuser, as well as its impact on legal certainty and the proportionality of verdicts in distinguishing abusers from dealers in Indonesia.[28] Therefore, this research aims to fill this gap by, *first*, analyzing the regulation and implementation of the integrated assessment for narcotics abusers in Indonesia; *second*, comparing it with the application of policies in other countries; and *third*, formulating a just assessment policy model for drug abusers. Thus, this research is expected to contribute to the reform of a more equitable, recovery-oriented narcotics handling policy that still maintains legal accountability in accordance with the offender's role.[29]

Research Method

This study employs normative legal research. The approaches used in this study include the statutory approach, the comparative approach, and the conceptual approach.[30] The statutory approach is utilized to examine narcotics regulations, the Supreme Court Circular (SEMA), and integrated assessment policies regarding rehabilitation for narcotics abusers. The comparative approach is used to compare the handling of narcotics abusers in Indonesia with those in Japan and the United States to identify adaptable practices. The conceptual approach is employed to examine the concepts of abusers, addicts, victims of abuse, dealers, rehabilitation, and integrated assessment. The legal materials consist of primary legal materials in the form of regulations and court decisions; secondary materials in the form of books, journals, and reports; and tertiary materials in the form of legal dictionaries. The legal materials were collected through library research and analyzed qualitatively using a descriptive-prescriptive method.[31]

Results and Discussion

Legal Certainty and Rehabilitation in Indonesia's Integrated Assessment Policy for Narcotics Abusers

[27] Ximene RÊGO and others, '20 Years of Portuguese Drug Policy - Developments, Challenges and the Quest for Human Rights', *Substance Abuse Treatment, Prevention, and Policy*, 16.1 (2021), 59 https://doi.org/10.1186/s13011-021-00394-7

[28] Rustamaji Muhammad and others, 'The Reduction of Criminal Justice Policy in Indonesia: Justice versus Virality', *Journal of Human Rights, Culture and Legal System*, 5.2 (2025), 442–72 https://doi.org/10.53955/jhcls.v5i2.637

[29] Orin Gusta Andini and Muhammad Riyan Kachfi Boer, 'Indonesia's Safeguarding of Human Rights to Achieve Sustainable Development Goals: Insights from Australia's Experience', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 3.1 (2025), 1–28 https://doi.org/10.53955/jsderi.v3i1.53

[30] Anis Mashdurohatun, Bambang Sugihartono, and others, 'Combating Digital Defamation: Regulations, Challenges and Protecting Reputation', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 3.3 (2025), 486–514 https://doi.org/10.53955/jsderi.v3i3.147

[31] Abdul Kadir Jaelani and Anila Rabbani, 'Integrated Waste Management Strategy as an Instrument of Green Budgeting and Green Regulation', *IOP Conference Series: Earth and Environmental Science*, 1537.1 (2025), 012020 https://doi.org/10.1088/1755-1315/1537/1/012020

The policy for handling narcotics abuse in Indonesia operates on two directly opposing interests within a single case: crime control and the recovery of individuals experiencing dependency.[32] Law Number 35 of 2009 concerning Narcotics has inherently contained both orientations from the outset, aiming to eradicate illicit trafficking while simultaneously ensuring provisions for medical and social rehabilitation for abusers and addicts. Article 54 establishes the obligation of rehabilitation for addicts and victims of narcotics abuse, whereas Article 127 requires judges to consider rehabilitation provisions when examining abusers who consume for personal use.[33] This statutory foundation is subsequently operationalized through judicial guidelines, namely the Supreme Court Circular (SEMA) Number 4 of 2010, which links the application of Article 103 to being caught in the act, the amount of evidence equivalent to one day's consumption, laboratory results, statements from government psychiatrists, and the absence of evidence indicating involvement in illicit trafficking. The gram measurement in the SEMA serves as an initial screening tool, not the sole instrument to determine an individual's legal standing.[34]

Because this initial screening is insufficient, the institutional framework for the integrated assessment was clarified through the 2014 Joint Regulation of the Chief Justice of the Supreme Court, the Minister of Law and Human Rights, the Minister of Health, the Minister of Social Affairs, the Attorney General, the Chief of the Indonesian National Police, and the Head of the National Narcotics Agency concerning the Placement of Addicts and Victims of Narcotics Abuse into Rehabilitation Institutions. This document is often cited as Supreme Court Regulation Number 01/PB/MA/III/2014 because the Supreme Court utilized that number in its indexing, although it is fundamentally a joint regulation among seven institutions. The existence of all these instruments is directly related to the principle of justice. Justice in handling narcotics abuse demands treatment that is proportionate to the offender's circumstances.[35] Addicts who use narcotics due to dependency have different recovery needs than individuals who profit from distribution. This distinction is not a means of reducing the seriousness of the crime, but rather a method of aligning the state's response with the characteristics

[32] Carolyn Hoyle and Lucy Harry, 'Diversion or Death? The Moral Framework Shaping Bifurcated Punishments for Drug Offences in Indonesia', *Drugs: Education, Prevention and Policy*, 32.4 (2025), 347–57 https://doi.org/10.1080/09687637.2024.2402262

[33] Estefanía Ciro, Mary Ryder and Sammy Sánchez, 'Peace and Reparations in Legal Drug Markets in Colombia', *Futures*, 157 (2024), 103336 https://doi.org/10.1016/j.futures.2024.103336

[34] Aref Maksoud and others, 'Computational Design for Multi-Optimized Geometry of Sustainable Flood-Resilient Urban Design Habitats in Indonesia', *Sustainability*, 16.7 (2024), 2750 https://doi.org/10.3390/su16072750

[35] Shelly L. Jackson, Candace Heisler and Karl Urban, 'A Narrative Review of U.S. Elder Abuse Perpetrator Research and Its Implications for Developing Alternative Perpetrator Interventions for Use by Prosecutors', *Aggression and Violent Behavior*, 76 (2024), 101921 https://doi.org/10.1016/j.avb.2024.101921

of the offense and the condition of the person being processed.[36] The integrated assessment functions to provide an objective basis for this distinction. The issue arises because the opportunity to undergo an assessment has not yet been established as an explicit procedural right at the statutory level.[37]

The gap between the assessment's objectives and its application reveals weaknesses within the legal system.[38] To analyze this, the present study employs Lawrence M. Friedman's legal system theory, which evaluates the success of a legal system based on three aspects: legal substance, legal structure, and legal culture. *First*, regarding the legal substance aspect, Law Number 35 of 2009 provides a foundation for the recovery approach through Articles 54, 103, and 127, but it has not regulated the Integrated Assessment Team in detail as a mandatory procedure from the initial stage of a case.[39] Its regulations are dispersed across various subordinate statutory instruments, such as SEMA Number 4 of 2010, the 2014 Joint Regulation, the Head of BNN Regulation Number 11 of 2014, and internal prosecutorial regulations, which possess limited binding force and present harmonization issues. In practice, requests for assessments depend on the investigators, meaning that suspects with comparable conditions may be treated differently: some receive rehabilitation recommendations, while others immediately face detention and imprisonment. Quantitative criteria, such as evidence limits for a single day's use, are also inadequate without examining the individual's state of dependency. An evaluation by the House of Representatives has noted that the absence of a TAT norm within the law invites subjectivity and weakens the binding power of its recommendations.[40]

Another weakness lies in the uncertain legal standing of the TAT recommendations, as public prosecutors and judges can disregard them without the obligation to provide testable reasons, particularly when it results in imprisonment.[41] This condition diminishes the predictability of verdicts and impedes the individualization of the state's response, even though abusers

[36] David Patton, David Best and Lorna Brown, 'Overcoming the Pains of Recovery: The Management of Negative Recovery Capital during Addiction Recovery Pathways', *Addiction Research & Theory*, 30.5 (2022), 340–50 https://doi.org/10.1080/16066359.2022.2039912

[37] Ed Day and others, 'Recovery Support Services as Part of the Continuum of Care for Alcohol or Drug Use Disorders', *Addiction*, 120.8 (2025), 1497–1520 https://doi.org/10.1111/add.16751

[38] Xukang Wang and others, 'Algorithmic Discrimination: Examining Its Types and Regulatory Measures with Emphasis on US Legal Practices', *Frontiers in Artificial Intelligence*, 7 (2024) https://doi.org/10.3389/frai.2024.1320277

[39] Michele Fusaroli and others, 'The REporting of A Disproportionality Analysis for DrUg Safety Signal Detection Using Individual Case Safety Reports in PharmacoVigilance (READUS-PV): Explanation and Elaboration', *Drug Safety*, 47.6 (2024), 585–99 https://doi.org/10.1007/s40264-024-01423-7

[40] Joanna Bell, 'Judicial Review of the Improper Policy Implementation of Treaties', *The Modern Law Review*, 88.5 (2025), 944–72 https://doi.org/10.1111/1468-2230.12965

[41] Glenda Liell, 'Psychometric Testing in Legal Contexts, Ethical Test Use and Expert Accountability', in *Expert Evidence* (Wiley, 2026), pp. 29–59 https://doi.org/10.1002/9781394337507.ch2

requiring treatment are not the same as dealers or network operators.[42] The reform of the Criminal Procedure Code and penal adjustments through Law No. 1 of 2026 have not filled this void, resulting in an imbalance between the detailed legal basis for coercive measures and sentencing, and the weak procedural foundation leading to treatment.[43] The inclusion of the Narcotics and Psychotropics Bill in the 2026 National Legislation Program Priority list, accompanied by BNN's proposal to strengthen the legal force of TAT results, presents an opportunity for improvement.[44] Such reform must formulate the assessment as an obligation from the earliest stage, establish the right to request an examination, set definite deadlines, define evidentiary standards, guarantee access to results, and require written justifications if recommendations are not followed.[45]

Second, regarding the legal structure aspect, the integrated assessment policy involves numerous elements: Police or BNN investigators, medical teams, legal teams, prosecutors, courts, and rehabilitation centers, making its success highly dependent on inter-agency coordination.[46] Its primary weakness lies in the investigator's position as the gateway to the assessment without objectively verifiable mandatory indicators, while suspects, their families, or legal counsel do not yet possess the procedural right to trigger an examination or receive a written decision upon refusal. Oversight of decisions not to request an assessment remains weak. Corrections made by prosecutors or judges at subsequent stages are suboptimal because suspects may have already been detained and suffered social consequences before their dependency status is examined. Furthermore, regional capacity disparities create unequal treatment. The BNN acknowledges that district or city-level rehabilitation services only cover approximately 42 percent of the ideal capacity, and prison overcrowding reaching about 91.72 percent as of July 2025 highlights the structural burden of a policy that still relies heavily on imprisonment. Consequently, case outcomes may depend on the location and the handling officials rather than the nature of the case itself.[47]

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[42] Oona St-Amant and others, 'Family Members' Perspectives of Laws, Policies and Practices in Substance Use Disorder Treatment: Systemic Alienation of the Family in Canada', *International Journal of Drug Policy*, 151 (2026), 105238 https://doi.org/10.1016/j.drugpo.2026.105238

[43] Herman Tuhairwe, 'Colonial Relics in Uganda's Criminal Procedure: The Case for Abolishing Committal Proceedings and Assessors in Trials in the High Court', *Oxford University Commonwealth Law Journal*, 2026, 1–22 https://doi.org/10.1080/14729342.2026.2666007

[44] Vishesh Sahu and others, 'Global Narcotics Regulations: An Overview of International Drug Control Conventions and the Need for Responsible Legal Regulation', *Journal of Opioid Management*, 22.3 (2026), 309–27 https://doi.org/10.5055/jom.0925

[45] Divya Gokulakrishnan and Sowmyalakshmi Venkataraman, 'Ensuring Data Integrity: Best Practices and Strategies in Pharmaceutical Industry', *Intelligent Pharmacy*, 3.4 (2025), 296–303 https://doi.org/10.1016/j.ipha.2024.09.010

[46] Paramitha Aulia Putri Nandira, Ali Masyhar and Cahya Wulandari, 'Reconstruction of Restorative Justice for Drug Users in Metro Jaya Police Jurisdiction', *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum*, 15.1 (2026), 91–114 https://doi.org/10.22373/lg.v15i1.34385

[47] Ryutaro Tanno and others, 'Collaboration between Clinicians and Vision–Language Models in Radiology Report Generation', *Nature Medicine*, 31.2 (2025), 599–608 https://doi.org/10.1038/s41591-024-03302-1

To overcome this, a statutory assessment obligation requires adequate structural support: auditable administrative and data systems, standardized timeframes, oversight and correction mechanisms for negligence, central and regional financing schemes that do not burden the suspect, and human resource competency enhancement through joint training. The independence of the medical and legal teams must also be safeguarded so that both converge into a single recommendation without subordinating one another. Because the Constitutional Court has not produced a normative change to address this weakness, the primary solution lies with the legislature. A more realistic approach is not to establish a new institution, but to strengthen the existing Integrated Assessment Team through clear authority, national standards, budgeting, data systems, and supervision, ensuring equitable assessment access in line with the principle of equality before the law.[48]

Third, regarding the legal culture aspect, the integrated assessment policy confronts a narcotics law enforcement culture that has traditionally measured success by arrests, detentions, prosecutions, and prison sentences.[49] This orientation causes the assessment to be easily viewed as an exception, whereas its true function is to determine the legal response based on individual circumstances and distinguish dealers from abusers. Easily provable possession articles, pressure to meet case settlement targets, risk-aversion tendencies, and stigma against addicts encourage officials to choose the most administratively secure path. Rehabilitation is often misunderstood as a "privilege" or a loophole for acquittal, even though assessment results do not erase the criminal offense, and suspects involved in networks can still be prosecuted. Inter-professional culture, documentation habits, the knowledge of families and legal counsel, and trust in the quality of rehabilitation institutions also influence implementation quality. Field findings indicate that TAT recommendations are not always followed up by investigators, prosecutors, or judges, meaning the problem does not stop at the existence or absence of regulations.[50]

Therefore, strengthening mandatory norms at the statutory level must be accompanied by a cultural shift. Such norms shift the official's position from making personal choices to executing legal orders, with the obligation to record the basis of decisions, the indicators examined, and written reasons if

[48] Holly A. Caretta-Weyer and others, 'The Next Era of Assessment: Building a Trustworthy Assessment System', *Perspectives on Medical Education*, 13.1 (2024), 12–23 https://doi.org/10.5334/pme.1110
[49] Daud Muslim, Nurlely Darwis and Sudarto Sudarto, 'Legal Study Analysis of Criminal Law Policy in the Implementation of Integrated Assessment for Drug Abusers Based on Law Number 35 of 2009 Concerning Narcotics', *LITERATUS*, 6.2 (2024), 500–509 https://doi.org/10.37010/lit.v6i2.1704
[50] Iryna Shelikhovska and Mykhailo Hribov, 'Prosecutor's Supervision of Detection and Investigation of Drug Crimes: International Standards and Best Practices', *Naukovij Vìsnik Nacìonal'noï Akademìï Vnutrìšnìh Sprav*, 28.4 (2023), 30–46 https://doi.org/10.56215/naia-herald/4.2023.30

recommendations are not followed.[51] This shift needs to be supported by performance metrics that do not merely count arrests and file submissions, but also the success of directing abusers to appropriate services, alongside cross-professional case-based joint education, rehabilitation service standardization, and consistent public explanation.[52] Prison overcrowding data of approximately 91.72 percent in July 2025 provides a practical reason to re-evaluate the punitive culture, rather than a justification to divert all narcotics cases away from prisons. Justice in assessments means equal opportunity to obtain an objective examination with explainable criteria, avoiding the two extremes: automatic imprisonment for users and automatic rehabilitation for anyone claiming to be a narcotics user. Argumentative judicial decisions in accepting or rejecting TAT recommendations will reinforce consistency and legal certainty.[53]

The relationship between substance, structure, and culture demonstrates why Friedman's theory is relevant to the integrated assessment policy. Weak norms provide excessive room for discretion. Uneven structures lead to disparate implementation across regions. A punitive culture then fills this space with choices that lean toward imprisonment. Changing just one component is insufficient. A law mandating assessments requires an available and competent TAT, while a strong team requires an institutional culture that values medical and legal examinations as the basis for decisions. The value of justice in the integrated assessment policy is achieved when the state can differentiate individuals based on their roles and needs through equally accessible procedures. Addicts do not gain immunity from the law, but their dependency condition must not be ignored simply because an assessment was never requested. Dealers cannot hide behind claims of personal use when evidence indicates network involvement. This stance maintains a balance between public protection, legal certainty, individual responsibility, and recovery. A statutory assessment obligation becomes the foundation for transforming the integrated examination from an administrative option into a just procedural guarantee.[54]

Integrated Assessment Policies for Narcotics Abusers in Japan and the United States

The normative construction in Indonesia shows that the integrated assessment lacks a firm statutory basis, making a comparison with other countries necessary

[51] Patty Wilson, Kate Colizza and Elaine Hyshka, 'Safer Supply and Political Interference in Medical Practice: Alberta's Narcotics Transition Services', *International Journal of Drug Policy*, 133 (2024), 104600 https://doi.org/10.1016/j.drugpo.2024.104600

[52] I Gusti Ayu Ketut Rachmi Handayani, Cindy Yosiana and Sutasinee Kongrawd, 'Reform of Environmental Approval Policy for Renewable Energy in Indonesia', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 3.2 (2025), 286–323 https://doi.org/10.53955/jsderi.v3i2.101

[53] Jason Donnelly, 'Timely Written Reasons: Enhancing Rationality, Objectivity and Legal Accuracy in Decision-Making', *Alternative Law Journal*, 50.1 (2025), 27–33 https://doi.org/10.1177/1037969X241305181

[54] Martijn van Velthoven and others, 'Overcoming Difficult, Impossible, and Meaningless Animal Testing under REACH: Opportunities for Robust Chemical Risk Assessment with Non-Animal Approaches', *Regulatory Toxicology and Pharmacology*, 172 (2026), 106216 https://doi.org/10.1016/j.yrtph.2026.106216

to observe how they incorporate recovery need examinations within the legal process. Japan and the United States were selected because they represent two distinct models. Japan exhibits strict control accompanied by medical mechanisms at the statutory level, whereas the United States demonstrates the integration of rehabilitation services into the judicial process through Drug Courts. ***First,*** Japan has a narcotics policy characterized by strict control. The use, possession, distribution, and production of various substances are controlled through several laws categorized by substance type.[55] The Narcotics and Psychotropics Control Act positions the prevention of health hazards as a legal objective while including provisions for medical treatment for individuals experiencing narcotics dependency.[56] This model is intriguing for assessment research because the examination of suspected dependency does not merely appear in institutional guidelines but is codified at the statutory level. A prefectural governor can request a designated mental health doctor to examine a person suspected of dependency, assess the presence or absence of dependency, and determine the need for hospitalization according to statutory requirements.[57]

The flow of this medical mechanism is quite clear. Certain officials, police officers, prosecutors, and heads of correctional institutions have a notification obligation under specified circumstances when discovering a person suspected of dependency.[58] The prefectural governor can then order an examination by a designated mental health doctor, who assesses the state of dependency and the risk of repeated use if the individual is not treated.[59] Decisions to extend treatment are not left to a single party, as the Narcotics Addiction Review Board evaluates the appropriateness of continued hospitalization. This sequence connects law enforcement, regional administration, health professionals, and assessing institutions within a single statutorily defined framework.[60] Nevertheless, this medical mechanism does not eliminate the penal approach. The Stimulants Control Act prohibits the possession and use of stimulants outside legally justified purposes, carrying criminal penalties. Legal changes regarding cannabis also strengthened use prohibitions starting December 12, 2024, when unauthorized

[55] David Brewster and Adam Edwards, 'Explaining the Reproduction of Illegal Drug Use Control Regimes in Japan: The Multi-Centred Governance Thesis', *Global Crime*, 24.1 (2023), 73–92 https://doi.org/10.1080/17440572.2022.2162508

[56] David Brewster and Sho Sagara, 'Continuity and Change in Drug Treatment: Regimes of Control in Japan', *International Journal of Drug Policy*, 116 (2023), 104029 https://doi.org/10.1016/j.drugpo.2023.104029

[57] David Brewster and Jennifer May Hampton, 'Drug Policy Goals in a Changing Landscape: Perspectives of Practitioners in Japan', *International Journal of Drug Policy*, 112 (2023), 103955 https://doi.org/10.1016/j.drugpo.2023.103955

[58] Yuji Masataka and others, 'How Has Japan's Cannabis Control Act Been Amended?', *Cannabis & Cannabinoid Research*, 11.3 (2026), 284–92 https://doi.org/10.1089/can.2025.0006

[59] Nicholas Lassi and Su Jiang, 'Etomidate-Adulterated Vaping: Fragmented Global Drug Control and Public Health Risks', *Drug and Alcohol Review*, 45.5 (2026) https://doi.org/10.1111/dar.70188

[60] Ivan Praditya Putra, Kasuwi Saiban and Supriyadi, 'The Pattern of Settlement of Narcotics Abuse Perpetrators Through Rehabilitation in the Situbondo District Attorney's Office', *International Journal of Research in Social Science and Humanities*, 07.06 (2026), 113–37 https://doi.org/10.47505/IJRSS.2026.6.12

cannabis use began to be subjected to penal provisions as a narcotic. Thus, assessments in Japan operate alongside strict control and function to identify treatment needs under legally predetermined circumstances.[61]

The Japanese model is not free from issues. Studies on Stimulants Control Law violators indicate the need for assessment instruments capable of identifying the severity of substance use, health, employment, family relations, and psychosocial factors.[62] Research by Watanabe and colleagues using the Japanese version of the Addiction Severity Index on inmates using methamphetamine showed that the group facing the law has needs that are not always identical to patients in clinical treatment services. A study by Kondo and colleagues on stimulant offenders with a history of substance use disorder treatment also revealed differing characteristics associated with treatment experiences and service needs. These findings emphasize that an assessment must not stop at a laboratory examination confirming the presence or absence of a substance, but must encompass the degree of dependency, treatment history, health disorders, family support, employment, and relapse risks.[63]

This individualized assessment also extends to the correctional stage. Since January 2021, probation and parole supervision in Japan has utilized Case Formulation in Probation/Parole (CFP) to assess the risk of criminal recidivism and develop individualized treatment plans. An update in 2025 expanded attention to dynamic factors, including environment, behavior, psychological states, mental conditions, and substance use; the assessment results influence the intensity of contact with officers and the types of programs received. The Offender Rehabilitation Act strengthens this by accommodating directives, supervision, and programs designed based on medical and psychological knowledge. Drug offenders who receive a partial suspension of sentence execution may be subjected to special supervision and programs to reduce repeated substance use. The assessment's position at this stage differs from the initial examination of suspected dependency, but both exhibit the same tendency: treatment decisions are guided by information regarding the assessed individual's needs.[64]

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[61] George Vlaescu, Per Carlbring and Gerhard Andersson, 'Features and Functionality of the Iterapi Platform for Internet-Based Psychological Treatments: An Update', *Internet Interventions*, 45 (2026), 100955 https://doi.org/10.1016/j.invent.2026.100955

[62] Elizabeth Eggins and others, 'Psychosocial, Pharmacological, and Legal Interventions for Improving the Psychosocial Outcomes of Children with Substance Misusing Parents: A Systematic Review', *Campbell Systematic Reviews: Better Evidence for a Better World*, 20.3 (2024) https://doi.org/10.1002/cl2.1413

[63] Selim Gokce Atici, 'Straddling "The Gulf Between Medicine and Law": Medico-legal Addiction and Japanese Psychiatry', *Medical Anthropology Quarterly*, 2026 https://doi.org/10.1111/maq.70071

[64] Toshihiko Matsumoto and others, 'Clinical Characteristics of Patients With Cannabis-Related Mental Disorders and an Examination of Factors Influencing Their Access to Medical and Nonmedical Resources: Comparison of Methamphetamine-Related Mental Disorders', *Neuropsychopharmacology Reports*, 45.3 (2025) https://doi.org/10.1002/npr2.70051

Second, the United States developed the Drug Court as a narcotics abuse handling mechanism that integrates the criminal justice system with health and rehabilitation services. This model was first implemented in Miami-Dade County, Florida, in 1989, and subsequently expanded to include more than 4,000 specialized drug courts across the United States by 2025. Its legal framework does not rely on a single federal law but is a blend of federal policies and state regulations. At the federal level, Drug Court operations are supported by the 21st Century Department of Justice Appropriations Authorization Act and guidelines from the National Association of Drug Court Professionals, with $61.6 million in funding from the Bureau of Justice Assistance in fiscal year 2021. Conceptually, Drug Courts apply therapeutic jurisprudence, a legal approach emphasizing recovery and rehabilitation as crucial parts of the judicial process, rather than merely imposing punishment. Its application is characterized by three main features.[65]

First, rehabilitation is integrated into the criminal justice process, allowing judges not only to adjudicate but also to monitor participants' progress through periodic status hearings, generally every one to two weeks, enabling intervention adjustments based on the participant's progress.[66] *Second,* the approach is non-adversarial, where prosecutors and defense counsel collaborate to support successful rehabilitation without overriding the participants' procedural rights.[67] *Third,* participants are identified and placed early so that eligible individuals can promptly enter the program before their dependency worsens.[68] This third characteristic aligns most closely with the integrated assessment's function, as placement decisions are based on examining criteria and participant conditions from the initial stage. Furthermore, Drug Courts employ an oversight mechanism accompanied by graduated incentives and sanctions. Participants showing progress can receive rewards or reduced supervision periods, whereas non-compliance can be addressed through warnings, increased counseling intensity, and more frequent urine testing. Conventional sentencing remains a possibility if violations continue according to program provisions. This approach is reportedly

[65] Milan F. Satcher and others, 'Linkage Facilitation for Opioid Use Disorder in Criminal Legal System Contexts: A Primer for Researchers, Clinicians, and Legal Practitioners', *Health & Justice*, 12.1 (2024), 36 https://doi.org/10.1186/s40352-024-00291-8

[66] Eugenia Zivanai and Gilbert Mahlangu, 'Digital Prison Rehabilitation and Successful Re-Entry into a Digital Society: A Systematic Literature Review on the New Reality on Prison Rehabilitation', *Cogent Social Sciences*, 8.1 (2022) https://doi.org/10.1080/23311886.2022.2116809

[67] Ralph Henham, 'Re-Thinking Notions of Evidence and Proof for Sentencing: Towards a More Communitarian Model', *The International Journal of Evidence & Proof*, 27.3 (2023), 211–34 https://doi.org/10.1177/13657127231172207

[68] T.J. Stopka and others, 'Barriers to Opioid Use Disorder Treatment among People Who Use Drugs in the Rural United States: A Qualitative, Multi-Site Study', *Social Science & Medicine*, 346 (2024), 116660 https://doi.org/10.1016/j.socscimed.2024.116660

associated with lower recidivism rates compared to the conventional penal system.[69]

A comparison of the two countries shows that both maintain criminal liability while providing recovery pathways, but with different emphases. Japan places several direct medical examination and treatment points within the law, complete with notification obligations, examinations by designated doctors, and institutions assessing continued care. The United States positions the court as the center of coordination and supervision, featuring early identification and continuous monitoring. Indonesia, conversely, incorporates both medical and legal elements within the Integrated Assessment Team, but its procedures remain highly dependent on institutional rules and subordinate guidelines, and its results have yet to secure a sufficiently definite standing in the criminal process. However, neither model can be wholly transplanted to Indonesia.[70] Recent research in 2026 notes that Japan's dependency policies are still scattered across substance-specific laws and lack a foundational law unifying dependency as a public health issue. Japan's criminalization pattern also need not be emulated. Meanwhile, the Drug Court relies on a combination of federal policies, state regulations, and specialized funding within an institutional context completely different from Indonesia's. The more useful lessons lie in their principles: the certainty of medical examination points, the connection between assessment results and treatment decisions, early identification, and measurable supervision.[71]

Based on these principles, legal reform in Indonesia can establish who must be assessed, when the assessment is conducted, who has the authority to draw conclusions, and how the recommendations are utilized in investigations, prosecutions, and court proceedings. From Japan, Indonesia can adopt procedural certainty and the involvement of advanced assessing institutions. From the United States, Indonesia can adopt the concepts of early identification and continuous supervision with graduated responses that maintain legal certainty and participant rights. Thus, the experiences of both countries serve as materials for formulating a more proportional assessment model without neglecting legal accountability.[72]

Integrated Assessment Policy for Narcotics Abusers Based on Justice

[69] Steven N. Zane, Jhon A. Pupo and Brandon C. Welsh, 'Correctional Treatment as an Economically Sound Approach to Reducing the High Costs of Recidivism: A Review of the Research', *Criminal Behaviour and Mental Health*, 33.2 (2023), 125–38 https://doi.org/10.1002/cbm.2284

[70] Alim Fajar, Indah Iftiati and Silvania Soviana, 'Enforcement of Criminal Penalties for Drug Abuse Committed by Police Officers', *JUSTISI*, 10.2 (2024), 296–314 https://doi.org/10.33506/js.v10i2.2812

[71] Daniel Cullen and Carolyn Hoyle, 'Restorative Justice for Drug Crime in Indonesia', *The International Journal of Restorative Justice*, 0891 (2026), 1–31 https://doi.org/10.1163/25890905-bja10007

[72] Madaliev Yarmuhammat Xudayberganovich, Agil Ahmadov and Karomi Karomi, 'The Governments' Role in Preserving National Identity on Globalization', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 3.2 (2025), 191–220 https://doi.org/10.53955/jsderi.v3i2.76

The policy for handling narcotics addicts in Indonesia stands at a crossroads between the penal and recovery approaches. Law Number 35 of 2009 affirms that addicts and victims of abuse are obliged to undergo medical and social rehabilitation.[73] However, examinations to determine status, level of dependency, and network involvement have not yet become a strict statutory obligation.[74] The integrated assessment currently relies only on SEMA Number 4 of 2010, the seven-agency Joint Regulation of 2014, and the Head of BNN Regulation Number 11 of 2014. These instruments are technically important but exist below the statutory level, thus they cannot restrict law enforcement discretion or create procedural rights for suspects.[75] Their scattered regulation also means that the procedural obligation lacks a single formulation. This weakness is evident in implementation.[76] The DPR evaluation noted that assessments are not functioning optimally, not all regions have an Integrated Assessment Team, and implementation relies heavily on investigator requests. While the Head of BNN Regulation stipulates assessment requests within a maximum of 1 x 24 hours post-arrest and recommendations within a maximum of six days, no statutory norm compels investigators to file the request. BNN data from January to October 2024 indicates that of the 8,677 assessed suspects, 5,596 were recommended for rehabilitation. The assessment clearly functions to direct the course of a case, yet access and treatment remain non-uniform, and BNN itself acknowledges existing sentencing disparities.[77]

This disparity is most evident in the relationship between Article 54, Article 103, and Article 127. Article 54 establishes the obligation for rehabilitation but does not explain how the status of an addict or victim is proven in the criminal process. Article 103 grants authority to judges, even though the need to know the suspect's condition arises during the investigation. Article 127 paragraph (2) merely requires judges to consider Articles 54, 55, and 103, without a mandate that suspects with strong indicators of being addicts must be assessed before detention or prosecution.[78] Consequently, the offender's health status is treated as a secondary evidentiary issue. Therefore, the weakness lies not in the absence of a basis for rehabilitation, but in the lack of procedural guarantees to determine user status from the beginning. The proposed reconstruction reverses this order: the

[73] Anis Widyawati and others, 'Crafting an Ideal Penitentiary Law: A Global Comparative Framework for Indonesia's Correctional System', *Legality : Jurnal Ilmiah Hukum*, 33.2 (2025), 417–44 https://doi.org/10.22219/ljih.v33i2.40358

[74] Candra Jaya and Faidatul Hikmah, 'Legal Reform on Rehabilitation for Drug Users as an Ultimum Remedium Effort', *JURNAL USM LAW REVIEW*, 7.1 (2024), 364–75 https://doi.org/10.26623/julr.v7i1.8803

[75] Erwin Susilo and Dharma Setiawan Negara, 'Critiquing the Use of the Term Restorative Justice in Narcotics Cases', *Jurnal Ius Constituendum*, 10.3 (2025), 376–93 https://doi.org/10.26623/jic.v10i3.12150

[76] Laksana and others.

[77] Praditya Putra, Saiban and Supriyadi.

[78] Adriano Martufi, 'Pre-Trial Detention and EU Law: Constitutional Constraints, Legislative Reluctance and Non-Binding Norms', *New Journal of European Criminal Law*, 17.1 (2026), 78–100 https://doi.org/10.1177/20322844251410848

integrated examination becomes the initial step, and subsequently, the legal process options are determined based on medical and legal assessment results.[79]

The need for reform is also evident from its impact on the correctional system. In July 2025, the capacity of prisons and detention centers was approximately 146,260 people, while the population reached 280,414, representing an overcrowding of about 91.72 percent. In December 2025, Commission III of the DPR highlighted that approximately 52.7 percent of prison inmates were narcotics offenders. However, not all narcotics inmates are users, so population reduction cannot be conducted haphazardly. Building new prisons does not resolve the source of the case influx. A mandatory assessment can accurately filter: prisons remain for drug lords, dealers, couriers consciously running distribution, and high-risk offenders, while addicts who only consume for personal use are directed to measurable care.[80] Imprisoning addicts without assessment carries other risks.[81] In May 2025, the DPR highlighted the control of narcotics distribution from within prisons, and research on male inmates living with HIV found a history of injection drug use during incarceration. While these findings cannot be generalized, they indicate that prisons are not entirely sterile from narcotics.[82] From a health perspective, UNODC and WHO view dependency therapy as a viable alternative for offenders with substance use disorders confronting the law.[83] The 2026 BNN rehabilitation policy is also shifting toward sustainable services that assess clients' physical, psychological, and social recovery, as well as their independence, making assessment recommendations a gateway to available, high-quality, and monitorable therapy.[84]

The value of justice underlying this reconstruction is proportionate treatment according to different circumstances. Pancasila social justice does not demand the same outcome for all narcotics offenders, because drug lords, dealers, experimental users, abuse victims, and addicts occupy non-identical positions. Justice demands equal access to assessment mechanisms, equitable rehabilitation services, and the imposition of responsibility corresponding to one's role.[85] This view aligns with the statement of Dr. Yosi Eka Putri from BNN, a member of the

[79] Martina Di Santo, Paolo Fais and Lina De Paola, 'Virtual Reconstruction as Scientific Evidence in Criminal Proceedings', *Forensic Sciences*, 6.3 (2026), 60 https://doi.org/10.3390/forensicsci6030060
[80] Andini and Muhammad Riyan Kachfi Boer.
[81] Hechanova, Co and Egusquiza.
[82] Laksana and others.
[83] Nora D. Volkow and others, 'Treatment of Substance Use Disorders in Prison Settings: Statement by the UNODC-WHO Informal Scientific Network, Commission on Narcotic Drugs', *World Psychiatry*, 23.2 (2024), 294–95 https://doi.org/10.1002/wps.21210
[84] Hesong You and others, 'Structural Relationships Among Physical Activity, Sleep, and Resilience: A Multi-Group Structural Equation Modeling (SEM) Study Among Physically Weak College Students', *Healthcare*, 14.15 (2026), 2255 https://doi.org/10.3390/healthcare14152255
[85] Bambang Prayitno and others, 'Victim Impact Statements for Equitable Judicial Protection of Crime Victims', *Journal of Human Rights, Culture and Legal System*, 6.2 (2026), 55–105 https://doi.org/10.53955/jhcls.v6i2.1004

TAT medical team, who noted that while assessment implementation in 2026 had progressed, it remained sub-optimal. According to her, regulating the assessment as a statutory obligation would provide clarity because a person using narcotics can simultaneously be a victim and involved in a criminal act, and it would clarify the responsibilities of each stakeholder. Recent research also notes that normative inconsistencies amplify interpretation disparities and overcrowding; thus, a mandatory assessment can serve as a connecting norm between offender classification and treatment choices. Based on this elaboration, the reconstruction of the integrated assessment policy is formulated into eight interrelated core proposals.[86]

First, the Narcotics Law must establish the integrated assessment as both a procedural right and an obligation for authorities.[87] Any suspect or defendant who, based on preliminary examinations, evidence, laboratory tests, use history, or medical information, is indicated to be an addict, victim of abuse, or personal user, must undergo an assessment. This obligation does not apply to all narcotics suspects but is triggered automatically by statutory initial indicators, ensuring investigators no longer determine the need for assessment based on preference.[88] *Second*, this obligation is formulated in layers at every stage of the criminal process. Investigators must request an assessment within the initial case handling timeframe, public prosecutors must verify the presence of assessment results before declaring a case file complete, and judges must order an assessment if one has not been conducted. The timeframes in the Head of BNN Regulation Number 11 of 2014 (requests within 1 x 24 hours and recommendations within six days) can be elevated to statutory norms. With this layered formulation, an addict's rights are not lost merely due to negligence at one stage.[89]

Third, assessment results are positioned as a primary consideration that must be observed, not an automatic determinant. Recommendations must encompass medical results, dependency levels, therapy needs, network involvement analysis, security risks, and reasons for selecting the treatment pathway. Investigators, prosecutors, and judges can still deviate if there is strong evidence of illicit trafficking involvement, but they must include written justifications.[90] This

[86] Tim Goddard and Myah Havertong, 'Hiding Injustice: How Risk Factor-Based Assessments Individualize Group-Level Exposure to Violence, Health Disparities, and Unmet Needs', *Race and Justice*, 2026 https://doi.org/10.1177/21533687261431759

[87] Bayu Mediansyah, 'Restorative Assessment Based On Result Of Integrated Assessment Prosecution Of Restorative Justice Abuse', *Cepalo*, 6.1 (2022), 47–56 https://doi.org/10.25041/cepalo.v6no1.2648

[88] T.R. van Roomen and B. de Jonge, 'Balancing Privacy and Public Interest in the Fight against Illicit Financial Flows: Lessons from an European Case Study', *Journal of Economic Criminology*, 5 (2024), 100093 https://doi.org/10.1016/j.jeconc.2024.100093

[89] Ray A. Wickenheiser, 'Proactive Crime Scene Response Optimizes Crime Investigation', *Forensic Science International: Synergy*, 6 (2023), 100325 https://doi.org/10.1016/j.fsisyn.2023.100325

[90] Kaitlyn Stark and others, 'Evaluation of a Clinic-Based, Electronic Social Determinants of Health Screening and Intervention in Primary Care Pediatrics', *Academic Pediatrics*, 24.2 (2024), 302–8 https://doi.org/10.1016/j.acap.2023.12.010

formulation provides legal weight to the assessment without usurping the functions of law enforcement and the courts. *Fourth*, the quantity of evidence must not be the sole basis for determining status.[91] Quantity remains relevant as an initial indicator but must be analyzed alongside communications, transactions, ownership patterns, distribution tools, use history, test results, and clinical conditions. An addict carrying a small amount is not automatically free from potential network involvement, and an offender carrying a specific amount should not immediately be labeled a dealer if other facts indicate personal use. Thus, concerns that assessments become a way for dealers to evade punishment can be addressed.[92]

Fifth, a limited objection mechanism in the form of a reassessment must be available. Suspects, legal counsel, or public prosecutors can request it if there is new medical information, a conflict of interest, procedural errors, or unexamined legal evidence. This mechanism strengthens the team's legitimacy without removing its function as a decision basis, and must be restricted to prevent it from becoming a delay tactic.[93] *Sixth*, the implementation of the assessment must be guaranteed in terms of funding and equitable distribution. Assessment costs for suspects or defendants are borne by the state so that access does not differ between the affluent and the underprivileged. Services should be available in every region through Provincial BNNs (BNNP), Regency/City BNNs (BNNK), government health facilities, or cross-regency regional teams, while remote examinations are utilized only for aspects not requiring direct physical examination. Budget calculations must be comprehensive, encompassing costs for detention, trials, corrections, in-prison health services, and social losses due to relapse, rather than merely rehabilitation costs.[94]

Seventh, rehabilitation capacity and the division of institutional roles need to be strengthened. Capacity should be built gradually with measurable regional targets, encompassing doctors, psychologists, social workers, addiction assessors, inpatient and outpatient services, and post-rehabilitation services, accompanied by quality standards, accreditation, and inter-regional referrals.[95] BNN coordinates technical assessments, the Ministry of Health guarantees medical standards, and the Ministry of Social Affairs strengthens social rehabilitation. The Police and

[91] Darmawan.
[92] Veronika Hofinger and Philipp Pflegerl, 'A Reality Check on the Digitalisation of Prisons: Assessing the Opportunities and Risks of Providing Digital Technologies for Prisoners', *Punishment & Society*, 26.5 (2024), 898–916 https://doi.org/10.1177/14624745241237190
[93] Panagiotis Pantiris and others, 'Enhancing Coordination and Decision Making in Humanitarian Logistics Through Artificial Intelligence: A Grounded Theory Approach', *Logistics*, 9.3 (2025), 113 https://doi.org/10.3390/logistics9030113
[94] Karolina Kiejnich-Kruk, 'Quo Vadis Europa —Balancing between Efficiency and Guarantees in Criminal Proceedings Using the Example of EU Production and Preservation Orders', *New Journal of European Criminal Law*, 15.2 (2024), 126–45 https://doi.org/10.1177/20322844241247482
[95] Louw and others.

Prosecutor's Office ensure access from the law enforcement stage, the courts test procedural compliance, and the correctional system guarantees service continuity. This approach strengthens the existing TAT without creating new institutions.[96] *Eighth*, supervision, evaluation, and legal culture changes must accompany these norms. Risks of status manipulation, bribery, or pressure on assessors are prevented through team member independence, conflict of interest disclosures, examination track records, periodic audits, and sanctions for manipulation, accompanied by factual verification by the legal team regarding financial transactions, communications, and the origin of evidence.[97] Evaluations cover the proportion of addicts receiving rehabilitation, program completion rates, post-rehabilitation conditions, criminal recidivism, assessment completion times, the number of objections, and impacts on prison populations, with data published in aggregate.[98] Cross-professional joint education is required so officials understand that rehabilitation is not a gift and an assessment is not a means to free offenders, but rather a classification tool. Thus, a statutory assessment obligation provides legal certainty at three levels.[99] Addicts gain certainty that their condition will be examined, officials obtain a stronger basis of authority, and the public gains assurance that rehabilitation is not granted solely based on the offender's confession. This norm does not duplicate Article 54 and Article 103, but rather makes both applicable more consistently as a mechanism for proof and classification from the initial stages. This direction achieves a balance between individual protection, criminal responsibility, and the interest of eradicating illicit trafficking.[100]

Conclusion

Based on the discussion, it can be concluded that, *first*, the normative construction of the integrated assessment policy for narcotics abusers in Indonesia does not yet possess a firm statutory basis. This is indicated by apparent weaknesses in legal substance that open room for investigator discretion, an uneven legal structure across regions with minimal supervision, and a legal culture that remains oriented toward imprisonment. As a result, access to assessment depends on investigator requests, meaning individuals with

[96] Muh Rizqi Tepu Arny and others, 'The Function of the Police in Law Enforcement of Narcotic Crimes', *Golden Ratio of Law and Social Policy Review*, 4.2 (2025), 93–104 https://doi.org/10.52970/grlspr.v4i2.1329

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comparable conditions can be treated differently. *Second,* comparative studies demonstrate that Japan and the United States both maintain criminal liability while providing recovery pathways, albeit with different focal points. Japan integrates direct medical examinations and treatments into its laws through notification obligations, examinations by designated doctors, and institutions assessing continued care. The United States positions the court as a coordination center through Drug Courts, emphasizing early identification, continuous supervision, and graduated incentives and sanctions. Neither model can be fully transplanted to Indonesia, but their principles can be adopted, namely the certainty of medical examination points, the linkage of assessment results with treatment decisions, early identification, and measurable supervision. *Third,* the ideal model for a justice-based integrated assessment policy is to establish the assessment as a procedural right and an official obligation within the law for any suspect or defendant indicated as an addict, victim of abuse, or personal user. This obligation is layered across the investigation, prosecution, and trial stages, with the assessment results serving as a primary consideration that can only be deviated from based on written justifications. This model needs to be supported by state funding guarantees, equitable distribution of services and rehabilitation capacity, objection mechanisms, as well as supervision and evaluation. Consequently, the treatment of abusers becomes commensurate with their roles and needs, while dealers can still be prosecuted strictly.

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